

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LUIS ARMANDO VARELA-
ARTEAGA and TIFFANY MARIE
CROSS,

Defendants.

No. CR 04-26

FINAL JURY INSTRUCTIONS

Ladies and Gentlemen of the Jury:

The instructions I gave you at the beginning of the trial and during the trial remain in effect. I will now give you some additional instructions.

You must, of course, continue to follow the instructions I gave you earlier, as well as those I give you now. You must not single out some instructions and ignore others, because all are important. This is true even though some of those I gave you at the beginning of and during trial are not repeated here.

The instructions I am about to give you now are in writing and will be available to you in the jury room. I emphasize, however, that this does not mean they are more important than my earlier instructions. Again, all instructions, whenever given and whether in writing or not, must be followed.

INSTRUCTION NUMBER _____

In considering these instructions, attach no importance or significance whatsoever to the order in which they are given.

INSTRUCTION NUMBER _____

Neither in these instructions nor in any ruling, action, or remark that I have made during this trial have I intended to give any opinion or suggestion as to what the facts are or what your verdict should be.

INSTRUCTION NUMBER _____

It is your duty to find from the evidence what the facts are. You will then apply the law, as I give it to you, to those facts. You must follow my instructions on the law, even if you thought the law was different or should be different.

Do not allow sympathy or prejudice to influence you. The law demands of you a just verdict, unaffected by anything except the evidence, your common sense, and the law as I give it to you.

INSTRUCTION NUMBER _____

I have mentioned the word “evidence.” The “evidence” in this case consists of the following: the testimony of the witnesses and the documents and other things received as exhibits.

You may use reason and common sense to draw deductions or conclusions from facts which have been established by the evidence in the case.

Certain things are not evidence. I shall list those things again for you now:

1. Statements, arguments, questions, and comments by the lawyers are not evidence.

2. Objections are not evidence. The parties have a right to object when they believe something is improper. You should not be influenced by the objection. If I sustained an objection to a question, you must ignore the question and must not try to guess what the answer might have been.

3. Testimony that I struck from the record, or told you to disregard, is not evidence and must not be considered.

4. Anything you saw or heard about this case outside the courtroom is not evidence.

Finally, if you were instructed that some evidence was received for a limited purpose only, you must follow that instruction.

INSTRUCTION NUMBER _____

There are two types of evidence from which a jury may properly find the truth as to the facts of a case: direct evidence and circumstantial evidence. Direct evidence is the evidence of the witness to a fact or facts of which they have knowledge by means of their senses. The other is circumstantial evidence – the proof of a chain of circumstances pointing to the existence or nonexistence of certain facts. The law makes no distinction between direct and circumstantial evidence. You should give all evidence the weight and value you believe it is entitled to receive.

INSTRUCTION NUMBER _____

The jurors are the sole judges of the weight and credibility of the testimony and the value to be given to each witness who has testified in this case. In deciding what the facts are, you may have to decide what testimony you believe and what testimony you do not believe. You may believe all of what a witness said, or only part of it, or none of it.

In deciding what testimony to believe, consider the witness' intelligence, the opportunity the witness had to have seen or heard the things testified about, the witness' memory, any motive the witness may have for testifying a certain way, the manner of the witness while testifying, whether that witness said something different at an earlier time, the general reasonableness of the testimony, and the extent to which the testimony is consistent with any evidence that you believe.

In deciding whether or not to believe a witness, keep in mind that people sometimes hear or see things differently and sometimes forget things. You need to consider, therefore, whether a contradiction is an innocent misrecollection or lapse of memory or an intentional falsehood, and that may depend on whether it has to do with an important fact or only a small detail.

You shall judge the credibility of the defendant Tiffany Marie Cross in the same way you would judge the credibility of any other witness.

INSTRUCTION NUMBER ____

In the previous instruction, I instructed you generally on the credibility of witnesses. I now give you this further instruction on how the credibility of a witness can be “impeached” and how you are to consider the testimony of certain witnesses.

A witness may be discredited or impeached by contradictory evidence; by a showing that the witness testified falsely concerning a material matter; by showing the witness has a motive to be untruthful; or by evidence that at some other time the witness has said or done something, or has failed to say or do something, that is inconsistent with the witness’ present testimony.

You have heard testimony from witnesses who stated that they participated in the crimes charged against the defendants. Their testimony was received in evidence and may be considered by you. You may give the witnesses’ testimony such weight as you think it deserves. Whether or not the witnesses’ testimony may have been influenced by their desire to please the government or to strike a good bargain with the government about their own situations is for you to determine.

INSTRUCTION NUMBER ____

In this case, defendant Luis Armando Varela-Arteaga did not testify. No inference of guilt can be drawn from this. A defendant is not required to testify. The burden of proof remains upon the government to prove the guilt of each defendant.

INSTRUCTION NUMBER _____

Testimony from depositions was introduced into evidence. A deposition is testimony taken under oath before the trial and preserved in writing and sometimes on video tape. Consider deposition testimony as if it had been given in court.

INSTRUCTION NUMBER ____

Exhibits have been admitted into evidence and are to be considered along with all the other evidence to assist you in reaching a verdict. You are not to tamper with the exhibits or their contents, and each exhibit should be returned into open court, along with your verdict, in the same condition as it was received by you.

INSTRUCTION NUMBER _____

A reasonable doubt is a doubt based upon reason and common sense, and not the mere possibility of innocence. A reasonable doubt is the kind of doubt that would make a reasonable person hesitate to act. Proof beyond a reasonable doubt, therefore, must be proof of such a convincing character that a reasonable person would not hesitate to rely and act upon it. However, proof beyond a reasonable doubt does not mean proof beyond all possible doubt.

INSTRUCTION NUMBER ____

The charges in this case are as follows:

Count 1 of the Indictment charges that between about 2000 and 2003, Luis Armando Varela-Arteaga did knowingly and willingly combine, conspire, confederate and agree with others known and unknown to the federal grand jury to engage in marriage fraud for the purpose of evading a provision of the immigration laws.

Count 2 of the Indictment charges that on or about late 2000 and early 2001, Luis Armando Varela-Arteaga did knowingly and unlawfully aid and abet the entry into marriage of Laura Winter, a United States citizen, and Ruben Agundis-Ibarra, a foreign national, for the purpose of evading a provision of the immigration laws and seeking to obtain lawful immigration status in the United States.

Count 4 of the Indictment charges that between about 1996 and 2003, Luis Armando Varela-Arteaga and Tiffany Marie Cross did knowingly and willingly combine, conspire, confederate and agree with each other and other persons known and unknown to the federal grand jury to engage in marriage fraud for the purpose of evading a provision of the immigration laws.

Each defendant has pleaded not guilty to each crime with which he or she is charged.

As I told you at the beginning of trial, an indictment is simply an accusation. It is not evidence of anything. To the contrary, each defendant is presumed to be innocent. Thus each defendant, even though charged, begins the trial with no evidence against him or her. The presumption of innocence alone is sufficient to find the defendant under consideration by you not guilty and can be overcome only if the government proves,

(CONTINUED)

INSTRUCTION NUMBER ____ (Cont'd.)

beyond a reasonable doubt, each essential element of the crime charged.

Keep in mind that you must give separate consideration to the evidence about each individual defendant. Each defendant is entitled to be treated separately, and you must return a separate verdict for each defendant. Also keep in mind that you must consider, separately, each crime charged against each individual defendant, and must return a separate verdict for each of those crimes charged.

There is no burden upon a defendant to prove that he or she is innocent.

INSTRUCTION NUMBER ____

The crime of conspiracy to commit marriage fraud as charged against Luis Armando Varela-Arteaga in Count 1 of the Indictment has four essential elements, which are:

One, between about 2000 and 2003, two or more persons reached an agreement or came to an understanding to enter into marriage for the purpose of evading a provision of the immigration laws;

Two, the defendant voluntarily and intentionally joined in the agreement or understanding, either at the time it was first reached or at some later time while it was still in effect;

Three, at the time the defendant joined in the agreement or understanding, he knew the purpose of the agreement or understanding was to evade immigration laws; and

Four, while the agreement or understanding was in effect, a person or persons who had joined in the agreement knowingly did one or more of the following acts:

1. During late 2000, Luis Armando Varela-Arteaga asked Laura Winter, a United States citizen, to marry an employee working in one or more Hacienda restaurants, for the purpose of the employee obtaining lawful permanent resident status.
2. In approximately January 2001, Luis Armando Varela-Arteaga approached Laura Winter to marry Ruben Agundis-Ibarra and offered Laura Winter \$4,000 in exchange for participating in the fraudulent marriage.
3. Laura Winter agreed with Luis Armando Varela-Arteaga to enter into a fraudulent marriage with Ruben Agundis-Ibarra in exchange of \$4,000 in United States currency.

(CONTINUED)

INSTRUCTION NUMBER ____ (Cont'd.)

4. In March 2001, Laura Winter received \$2,000 in cash as partial payment for agreeing to participate in the fraudulent marriage to Ruben Agundis-Ibarra.

5. On March 29, 2001, Laura Winter and Ruben Agundis-Ibarra were married in Cedar Rapids, Iowa.

6. In April 2001, Laura Winter received an additional \$2,000 in cash for her participation in the fraudulent marriage to Ruben Agundis-Ibarra.

for the purpose of carrying out or carrying forward the agreement or understanding.

To assist you in determining whether there was an agreement or understanding to enter into marriage for the purpose of evading a provision of the immigration laws, you are advised that the elements of marriage fraud are listed in Instruction Number _____. Keep in mind that Count 1 of the Indictment charges a conspiracy to commit marriage fraud and not that marriage fraud was committed.

If all of the essential elements have been proved beyond a reasonable doubt as to the defendant, then you must find the defendant guilty of the crime charged under Count 1; otherwise you must find the defendant not guilty of the crime charged under Count 1.

INSTRUCTION NUMBER _____

The crime of marriage fraud as charged against Luis Armando Varela-Arteaga in Count 2 of the Indictment has three essential elements, which are:

One, a person knowingly entered into a marriage;

Two, the marriage was entered into for the purpose of evading any provision of the immigration laws; and

Three, the person knew or had reason to know of the relevant immigration laws.

A person may be found guilty of marriage fraud even if he personally did not do every act constituting the offense charged if he aided and abetted the commission of marriage fraud.

In order to have aided and abetted the commission of marriage fraud as charged in Count 2, Luis Armando Varela-Arteaga must, before or at the time the crime was committed,

(1) have known that marriage fraud was being committed or going to be committed by Laura Winter and Ruben Agundis-Ibarra;

(2) have knowingly acted in some way for the purpose of causing, encouraging, and/or aiding the commission of marriage fraud between Laura Winter and Ruben Agundis-Ibarra;

(3) have known that the marriage between Laura Winter and Ruben Agundis-Ibarra was entered into for the purpose of evading any provision of the immigration laws; and

(4) have known or had reason to know of the relevant immigration laws.

(CONTINUED)

INSTRUCTION NUMBER ____ (Cont'd.)

For you to find the defendant guilty of marriage fraud by reason of aiding and abetting as charged under Count 2, the government must prove beyond a reasonable doubt that all of the essential elements of marriage fraud were committed by some person or persons and that the defendant aided and abetted the commission of that crime; otherwise you must find the defendant not guilty of the crime charged under Count 2.

You should understand that merely being present at the scene of an event, or merely acting in the same way as others or merely associating with others, does not prove that a person has become an aider and abettor. A person who has no knowledge that a crime is being committed or about to be committed, but who happens to act in a way which advances some offense, does not thereby become an aider and abettor.

INSTRUCTION NUMBER ____

The crime of conspiracy to commit marriage fraud as charged against Luis Armando Varela-Arteaga and Tiffany Marie Cross in Count 4 of the Indictment has four essential elements, which are:

One, between about 1996 and 2003, two or more persons reached an agreement or came to an understanding to enter into marriage for the purpose of evading a provision of the immigration laws;

Two, the defendant under consideration by you voluntarily and intentionally joined in the agreement or understanding, either at the time it was first reached or at some later time while it was still in effect;

Three, at the time the defendant under consideration joined in the agreement or understanding, he or she knew the purpose of the agreement or understanding was to evade immigration laws; and

Four, while the agreement or understanding was in effect, a person or persons who had joined in the agreement knowingly did one or more of the following acts:

1. On or about August 26, 1994, a divorce petition was filed in Mexico seeking a divorce of Luis Armando Varela-Arteaga and Martha Beatriz Varela.
2. During about 1996, Luis Armando Varela-Arteaga unlawfully entered the United States and began working for Jose de Jesus Ibarra-Castaneda, brother of Martha Beatriz Varela, at the Hacienda Las Glorias restaurant on First Avenue in Cedar Rapids, Iowa.

(CONTINUED)

INSTRUCTION NUMBER ____ (Cont'd.)

3. On or about November 12, 1996, in Carroll County, Arkansas, Luis Armando Varela-Arteaga married Tiffany Marie Cross, who was then also an employee of Hacienda Las Glorias. Tiffany Marie Cross was then an unmarried resident of Cedar Rapids, Iowa.
4. On or about December 3, 1996, nine illegal aliens were found at the Hacienda Las Glorias restaurant and were arrested by the Immigration and Naturalization Service. Luis Armando Varela-Arteaga and Martha Beatriz Varela were arrested and allowed to depart the United States voluntarily.
5. Luis Armando Varela-Arteaga departed from the United States to voluntarily return to Mexico.
6. On or about December 10, 1996, Martha Beatriz Varela and Cecil Scott Becker were married in Carroll County, Arkansas. Cecil Scott Becker was an unmarried resident of Cedar Rapids, Iowa and an employee of the Hacienda Las Glorias restaurant.
7. At some unknown time between December 6, 1996 and March 27, 1997, Luis Armando Varela-Arteaga unlawfully re-entered the United States.
8. On or about March 27, 1997, Luis Armando Varela-Arteaga submitted an application to adjust his status from illegal alien to permanent resident alien status based upon his marriage to Tiffany Marie Cross.

(CONTINUED)

INSTRUCTION NUMBER ____ (Cont'd.)

9. For tax years 1998 and 1999, Luis Armando Varela-Arteaga and Tiffany Marie Cross filed federal taxes jointly as husband and wife.

10. For tax years 1998 and 1999, Luis Armando Varela-Arteaga and Tiffany Marie Cross reported to the Internal Revenue Service a joint domicile of 1071 F Avenue NW, Cedar Rapids, Iowa.

11. During 1998 and 2000, Luis Armando Varela-Arteaga and Martha Beatriz Varela resided together at 1071 F Avenue NW, Cedar Rapids, Iowa, with their children, Samuel, Karen and Luis.

12. On or about April 26, 2000, Luis Armando Varela-Arteaga's application to adjust his status from illegal alien to permanent resident alien based upon his marriage to Tiffany Marie Cross was approved.

13. On July 17, 2000, Luis Armando Varela-Arteaga and Tiffany Marie Cross were divorced in Linn County District Court, Linn County, Iowa.

(CONTINUED)

INSTRUCTION NUMBER ____ (Cont'd.)

14. On August 9, 2000, Luis Armando Varela-Arteaga closed on a newly-constructed house located at 4314 Roxbury Drive NW, Cedar Rapids, Iowa.

15. Between about August 9, 2000 and 2003, Martha Beatriz Varela and Luis Armando Varela-Arteaga resided together at 4314 Roxbury Drive NW, Cedar Rapids, Iowa with their children.

16. On August 23, 2002, Cecil Scott Becker and Martha Beatriz Varela were divorced. Martha Beatriz Varela's address was listed as 4314 Roxbury Drive NW, Cedar Rapids, Iowa.

17. On December 3, 2002, Martha Beatriz Varela and Luis Armando Varela-Arteaga were remarried in Linn County, Iowa.

for the purpose of carrying out or carrying forward the agreement or understanding.

To assist you in determining whether there was an agreement or understanding to enter into marriage for the purpose of evading a provision of the immigration laws, you are advised that the elements of marriage fraud are listed in Instruction Number _____. Keep in mind that Count 4 of the Indictment charges a conspiracy to commit marriage fraud and not that marriage fraud was committed.

If all of the essential elements have been proved beyond a reasonable doubt as to the defendant under consideration by you, then you must find the defendant under consideration by you guilty of the crime charged under Count 4; otherwise you must find the defendant under consideration by you not guilty of the crime charged under Count 4.

INSTRUCTION NUMBER ____

In considering whether the government has met its burden of proving conspiracy as alleged in Counts 1 and 4 of the Indictment, you are further instructed as follows:

The government must prove that defendant under consideration by you reached an agreement or understanding with at least one other person. It makes no difference whether that person is a defendant or named in the Indictment as long as you find beyond a reasonable doubt that there are other co-conspirators.

The “agreement or understanding” need not be an express or formal agreement or be in writing or cover all the details of how it is to be carried out. Nor is it necessary that the members have directly stated between themselves the details or purpose of the scheme. You should understand that merely being present at the scene of an event, or merely acting in the same way as others or merely associating with others, does not prove that a person has joined in an agreement or understanding. A person who has no knowledge of a conspiracy but who happens to act in a way which advances some purposes of one, does not thereby become a member.

But a person may join in an agreement or understanding, as required by this element, without knowing all the details of the agreement or understanding, and without knowing who all the other members are. Further it is not necessary that a person agree to play any particular part in carrying out the agreement or understanding. A person may become a member of a conspiracy even if that person agrees to play only a minor part in the conspiracy, as long as that person has an understanding of the unlawful nature of the plan and voluntarily and intentionally joins in it.

(CONTINUED)

INSTRUCTION NUMBER ____ (Cont'd.)

You must decide, after considering all of the evidence, whether either of the conspiracies alleged in Counts 1 and 4 of the Indictment existed. If you find that either of the alleged conspiracies did exist, you must also decide whether the defendant under consideration by you voluntarily and intentionally joined that conspiracy, either at the time it was first formed or at some later time while it was still in effect. In making that decision, you must consider only evidence of that defendant's own actions and statements. You may not consider actions and pretrial statements of others, except to the extent that pretrial statements of others describe something that had been said or done by the defendant under consideration by you.

INSTRUCTION NUMBER ____

The conspiracy offenses charged in Counts 1 and 4 require as an element the commission of an “overt act.” It is not necessary that the act done in furtherance of the conspiracy be in itself unlawful. It may be perfectly innocent in itself.

It is not necessary that the defendant under consideration by you have personally committed the act, known about it, or witnessed it. It makes no difference which of the conspirators did the act. This is because a conspiracy is a kind of “partnership” so that under the law each member is an agent or partner of every other member and each member is bound by or responsible for the acts of every other member done to further their scheme.

It is not necessary that the government prove, beyond a reasonable doubt, that more than one act was done in furtherance of the conspiracy. It is sufficient if the government proves beyond a reasonable doubt *one* such act; but in that event, in order to return a verdict of guilty, you must unanimously agree upon which act was done.

INSTRUCTION NUMBER ____

It is not necessary for the government to prove that the conspirators actually succeeded in accomplishing their unlawful plan.

INSTRUCTION NUMBER ____

You may consider acts knowingly done and statements knowingly made by a defendant's co-conspirators during the existence of the conspiracy and in furtherance of it as evidence pertaining to the defendant even though they were done or made in the absence of and without the knowledge of the defendant. This includes acts done or statements made before the defendant had joined the conspiracy, for a person who knowingly, voluntarily and intentionally joins an existing conspiracy is responsible for all of the conduct of the co-conspirators from the beginning of the conspiracy.

INSTRUCTION NUMBER _____

You will note the Indictment charges that the offenses were committed “on or about” or “between about” certain dates. The government need not prove with certainty the exact date or the exact time period of an offense charged. It is sufficient if the evidence established that an offense occurred within a reasonable time of the date or period of time alleged by the Indictment.

INSTRUCTION NUMBER_____

An act is done “knowingly” if the defendant under consideration by you realized what he or she was doing and did not act through ignorance, mistake or accident. You may consider the evidence of that defendant’s out-of-court acts and words as testified to by the witnesses, along with all other evidence, in deciding whether that defendant acted knowingly.

You may find that a defendant acted knowingly if you find beyond a reasonable doubt that the defendant under consideration by you was aware of a high probability that marriage fraud was being committed and that he or she deliberately avoided learning the truth. The element of knowledge may be inferred if a defendant deliberately closed his or her eyes to what would otherwise have been obvious to him or her.

You may not find that the defendant under consideration by you acted knowingly, however, if you find that the defendant under consideration by you was simply careless. A showing of negligence, mistake, or carelessness is not sufficient to support a finding of knowledge.

INSTRUCTION NUMBER _____

Intent may be proven by circumstantial evidence. It rarely can be established by other means. While witnesses may see or hear and thus be able to give direct evidence of what a person does or fails to do, there can be no eyewitness account of the state of mind with which the acts were done or omitted. But what a defendant does or fails to do may indicate intent or lack of intent to commit an offense.

You may consider it reasonable to draw the inference and find that a person intends the natural and probable consequences of acts knowingly done, but you are not required to do so. As I have said, it is entirely up to you to decide what facts to find from the evidence.

INSTRUCTION NUMBER _____

Throughout the trial, you have been permitted to take notes. Your notes should be used only as memory aids, and you should not give your notes precedence over your independent recollection of the evidence.

In any conflict between your notes, a fellow juror's notes, and your memory, your memory must prevail. Remember that notes sometimes contain the mental impressions of the note taker and can be used only to help you recollect what the testimony was. At the conclusion of your deliberations, your notes should be left in the jury room for destruction.

INSTRUCTION NUMBER _____

In conducting your deliberations and returning your verdict, there are certain rules you must follow. I shall list those rules for you now.

First, when you go to the jury room, you must select one of your members as your foreperson. That person will preside over your discussions and speak for you here in court.

Second, it is your duty, as jurors, to discuss this case with one another in the jury room. You should try to reach an agreement if you can do so without violence to individual judgment, because a verdict - whether guilty or not guilty - must be unanimous.

Each of you must make your own conscientious decision, but only after you have considered all the evidence, discussed it fully with your fellow jurors, and listened to the views of your fellow jurors.

Do not be afraid to change your opinions if the discussion persuades you that you should. But do not come to a decision simply because other jurors think it is right, or simply to reach a verdict.

Third, if either of the defendants is found guilty, the sentence to be imposed is my responsibility. You may not consider punishment in any way in deciding whether the government has proved its case beyond a reasonable doubt.

(CONTINUED)

INSTRUCTION NUMBER ____ (Cont'd.)

Fourth, if you need to communicate with me during your deliberations, you may send a note to me through the marshal or court security officer, signed by one or more jurors. I will respond as soon as possible either in writing or orally in open court. Remember that you should not tell anyone – including me – how your votes stand numerically.

Finally, your verdict must be based solely on the evidence and on the law which I have given to you in my instructions. The verdict, whether guilty or not guilty, must be unanimous. Nothing I have said or done is intended to suggest what your verdict should be – that is entirely for you to decide.

INSTRUCTION NUMBER _____

Attached to these instructions you will find four Verdict Forms. The Verdict Forms are simply the written notice of the decision that you reach in this case. The answers to the questions on the Verdict Form and your verdicts must be the unanimous decision of the jury.

You will take the Verdict Forms to the jury room, and when you have completed your deliberations and each of you has agreed on an answer to each questions and to each verdict, your foreperson will fill out the Forms, sign and date them, and advise the marshal or court security officer that you are ready to return to the courtroom.

Finally, members of the jury, take this case and give it your most careful consideration, and then without fear or favor, prejudice or bias of any kind, return such verdict as accords with the evidence and these instructions.

DATE

**LINDA R. READE
JUDGE, U. S. DISTRICT COURT**

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LUIS ARMANDO VARELA-
ARTEAGA,

Defendant.

No. CR 04-26

VERDICT FORM - COUNT 1

We, the jury, make the following findings on the questions put to us regarding Count 1 of the Indictment:

Question 1: We, the jury, find the defendant Luis Armando Varela-Arteaga, _____ of the crime of conspiracy to commit marriage fraud between about
Guilty/Not Guilty
2000 and 2003, as charged in Count 1 of the Indictment.

If your answer to Question 1 is “not guilty” do not answer any further questions on this form as to Count 1 and proceed to Verdict Form - Count 2. If your answer to Question 1 is “guilty” please proceed to Question 2.

(CONTINUED)

Question 2: Please place a check mark (✓) before the name or names of the persons you unanimously find Luis Armando Varela-Arteaga conspired with:

- _____ Laura Winter
- _____ Ruben Agundis-Ibarra

Question 3: Please place a check mark (✓) before the overt act or acts you unanimously find were committed in furtherance of the conspiracy:

- _____ a. During late 2000, Luis Armando Varela-Arteaga asked Laura Winter, a United States citizen, to marry an employee working in one or more Hacienda restaurants, for the purpose of the employee obtaining lawful permanent resident status.
- _____ b. In approximately January 2001, Luis Armando Varela-Arteaga approached Laura Winter to marry Ruben Agundis-Ibarra and offered Laura Winter \$4,000 in exchange for participating in the fraudulent marriage.
- _____ c. Laura Winter agreed to enter into a fraudulent marriage with Ruben Agundis-Ibarra in exchange of \$4,000 in United States currency.
- _____ d. In March 2001, Laura Winter received \$2,000 in cash as partial payment for agreeing to participate in the fraudulent marriage to Ruben Agundis-Ibarra.
- _____ e. On March 29, 2001, Laura Winter and Ruben Agundis-Ibarra were married in Cedar Rapids, Iowa.
- _____ f. In April 2001, Laura Winter received an additional \$2,000 in cash for her participation in the fraudulent marriage to Ruben Agundis-Ibarra.

(CONTINUED)

FOREPERSON

DATE

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LUIS ARMANDO VARELA-
ARTEAGA,

Defendant.

No. CR 04-26

VERDICT FORM - COUNT 2

We, the jury, find the defendant, Luis Armando Varela-Arteaga, _____
Guilty/Not Guilty
of the crime of aiding and abetting the commission of marriage fraud on or about late 2000
and early 2001, as charged in Count 2 of the Indictment.

FOREPERSON

DATE

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LUIS ARMANDO VARELA-
ARTEAGA,

Defendant.

No. CR 04-26

VERDICT FORM - COUNT 4

We, the jury, make the following findings on the questions put to us regarding Count 4 of the Indictment:

Question 1: We, the jury, find the defendant Luis Armando Varela-Arteaga, _____ of the crime of conspiracy to commit marriage fraud between about

Guilty/Not Guilty

1996 and 2003, as charged in Count 4 of the Indictment.

If your answer to Question 1 is “not guilty” do not answer any further questions on this form as to Count 4 and proceed to Tiffany Marie Cross’s Verdict Form - Count 4. If your answer to Question 1 is “guilty” please proceed to Question 2.

Question 2: Please place a check mark (✓) before the name or names of the persons you unanimously find Luis Armando Varela-Arteaga conspired with:

_____ Martha Beatriz Varela

(CONTINUED)

_____ Jose de Jesus Ibarra-Castaneda
_____ Tiffany Marie Cross
_____ Cecil Scott Becker

Question 3: Please place a check mark (√) before the overt act or acts you unanimously find were committed in furtherance of the conspiracy:

- _____ a. On or about August 26, 1994, a divorce petition was filed in Mexico seeking a divorce of Luis Armando Varela-Arteaga and Martha Beatriz Varela.
- _____ b. During about 1996, Luis Armando Varela-Arteaga unlawfully entered the United States and began working for Jose de Jesus Ibarra-Castaneda, brother of Martha Beatriz Varela, at the Hacienda Las Glorias restaurant on First Avenue in Cedar Rapids, Iowa.
- _____ c. On or about November 12, 1996, in Carroll County, Arkansas, Luis Armando Varela-Arteaga married Tiffany Marie Cross, who was then also an employee of Hacienda Las Glorias. Tiffany Marie Cross was then an unmarried resident of Cedar Rapids, Iowa.
- _____ d. On or about December 3, 1996, nine illegal aliens were found at the Hacienda Las Glorias restaurant and were arrested by the Immigration and Naturalization Service. Luis Armando Varela-Arteaga and Martha Beatriz Varela were arrested and allowed to depart the United States voluntarily.

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- _____ e. Luis Armando Varela-Arteaga departed from the United States to voluntarily return to Mexico.
- _____ f. On or about December 10, 1996, Martha Beatriz Varela and Cecil Scott Becker were married in Carroll County, Arkansas. Cecil Scott Becker was an unmarried resident of Cedar Rapids, Iowa and an employee of the Hacienda Las Glorias restaurant.
- _____ g. At some unknown time between December 6, 1996 and March 27, 1997, Luis Armando Varela-Arteaga unlawfully re-entered the United States.
- _____ h. On or about March 27, 1997, Luis Armando Varela-Arteaga submitted an application to adjust his status from illegal alien to permanent resident alien status based upon his marriage to Tiffany Marie Cross.
- _____ i. For tax years 1998 and 1999, Luis Armando Varela-Arteaga and Tiffany Marie Cross filed federal taxes jointly as husband and wife.
- _____ j. For tax years 1998 and 1999, Luis Armando Varela-Arteaga and Tiffany Marie Cross reported to the Internal Revenue Service a joint domicile of 1071 F Avenue NW, Cedar Rapids, Iowa.
- _____ k. During 1998 and 2000, Luis Armando Varela-Arteaga and Martha Beatriz Varela resided together at 1071 F Avenue NW, Cedar Rapids, Iowa, with their children, Samuel, Karen and Luis.

(CONTINUED)

- ____ 1. On or about April 26, 2000, Luis Armando Varela-Arteaga's application to adjust his status from illegal alien to permanent resident alien based upon his marriage to Tiffany Marie Cross was approved.
- ____ m. On July 17, 2000, Luis Armando Varela-Arteaga and Tiffany Marie Cross were divorced in Linn County District Court, Linn County, Iowa.
- ____ n. On August 9, 2000, Luis Armando Varela-Arteaga closed on a newly-constructed house located at 4314 Roxbury Drive NW, Cedar Rapids, Iowa.
- ____ o. Between about August 9, 2000 and 2003, Martha Beatriz Varela and Luis Armando Varela-Arteaga resided together at 4314 Roxbury Drive NW, Cedar Rapids, Iowa with their children.
- ____ p. On August 23, 2002, Cecil Scott Becker and Martha Beatriz Varela were divorced. Martha Beatriz Varela's address was listed as 4314 Roxbury Drive NW, Cedar Rapids, Iowa.
- ____ q. On December 3, 2002, Martha Beatriz Varela and Luis Armando Varela-Arteaga were remarried in Linn County, Iowa.

FOREPERSON

DATE

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TIFFANY MARIE CROSS,

Defendant.

No. CR 04-26

VERDICT FORM - COUNT 4

We, the jury, make the following findings on the questions put to us regarding Count 4 of the Indictment:

Question 1: We, the jury, find the defendant Tiffany Marie Cross, _____
Guilty/Not Guilty
of the crime of conspiracy to commit marriage fraud between about 1996 and 2003, as
charged in Count 4 of the Indictment.

If your answer to Question 1 is “not guilty” do not answer any further questions on this form as to Count 4. If your answer to Question 1 is “guilty” please proceed to Question 2.

Question 2: Please place a check mark (✓) before the name or names of the persons you unanimously find Tiffany Marie Cross conspired with:

_____ Martha Beatriz Varela

_____ Jose de Jesus Ibarra-Castaneda

_____ Luis Armando Varela-Arteaga

(CONTINUED)

_____ Cecil Scott Becker

Question 3: Please place a check mark (√) before the overt act or acts you unanimously find were committed in furtherance of the conspiracy:

- _____ a. On or about August 26, 1994, a divorce petition was filed in Mexico seeking a divorce of Luis Armando Varela-Arteaga and Martha Beatriz Varela.
- _____ b. During about 1996, Luis Armando Varela-Arteaga unlawfully entered the United States and began working for Jose de Jesus Ibarra-Castaneda, brother of Martha Beatriz Varela, at the Hacienda Las Glorias restaurant on First Avenue in Cedar Rapids, Iowa.
- _____ c. On or about November 12, 1996, in Carroll County, Arkansas, Luis Armando Varela-Arteaga married Tiffany Marie Cross, who was then also an employee of Hacienda Las Glorias. Tiffany Marie Cross was then an unmarried resident of Cedar Rapids, Iowa.
- _____ d. On or about December 3, 1996, nine illegal aliens were found at the Hacienda Las Glorias restaurant and were arrested by the Immigration and Naturalization Service. Luis Armando Varela-Arteaga and Martha Beatriz Varela were arrested and allowed to depart the United States voluntarily.
- _____ e. Luis Armando Varela-Arteaga departed from the United States to voluntarily return to Mexico.

(CONTINUED)

- _____ f. On or about December 10, 1996, Martha Beatriz Varela and Cecil Scott Becker were married in Carroll County, Arkansas. Cecil Scott Becker was an unmarried resident of Cedar Rapids, Iowa and an employee of the Hacienda Las Glorias restaurant.
- _____ g. At some unknown time between December 6, 1996 and March 27, 1997, Luis Armando Varela-Arteaga unlawfully re-entered the United States.
- _____ h. On or about March 27, 1997, Luis Armando Varela-Arteaga submitted an application to adjust his status from illegal alien to permanent resident alien status based upon his marriage to Tiffany Marie Cross.
- _____ i. For tax years 1998 and 1999, Luis Armando Varela-Arteaga and Tiffany Marie Cross filed federal taxes jointly as husband and wife.
- _____ j. For tax years 1998 and 1999, Luis Armando Varela-Arteaga and Tiffany Marie Cross reported to the Internal Revenue Service a joint domicile of 1071 F Avenue NW, Cedar Rapids, Iowa.
- _____ k. During 1998 and 2000, Luis Armando Varela-Arteaga and Martha Beatriz Varela resided together at 1071 F Avenue NW, Cedar Rapids, Iowa, with their children, Samuel, Karen and Luis.
- _____ l. On or about April 26, 2000, Luis Armando Varela-Arteaga's application to adjust his status from illegal alien to permanent resident alien based upon his marriage to Tiffany Marie Cross was approved.
- _____ m. On July 17, 2000, Luis Armando Varela-Arteaga and Tiffany Marie Cross were divorced in Linn County District Court, Linn County, Iowa.
- _____ n. On August 9, 2000, Luis Armando Varela-Arteaga closed on a newly-constructed house located at 4314 Roxbury Drive NW, Cedar Rapids, Iowa.

(CONTINUED)

- _____ o. Between about August 9, 2000 and 2003, Martha Beatriz Varela and Luis Armando Varela-Arteaga resided together at 4314 Roxbury Drive NW, Cedar Rapids, Iowa with their children.
- _____ p. On August 23, 2002, Cecil Scott Becker and Martha Beatriz Varela were divorced in Linn County District Court, Linn County, Iowa. Martha Beatriz Varela's address was listed as 4314 Roxbury Drive NW, Cedar Rapids, Iowa.
- _____ q. On December 3, 2002, Martha Beatriz Varela and Luis Armando Varela-Arteaga were remarried in Linn County, Iowa.

FOREPERSON

DATE